IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16771 of 1998

Between:

Ahmed Nizamuddin S/o Ahmed Yousufuddin
R/o H.No.8-2-612/B/2, Road No.11,
Banjara Hills, Hyderabad

..... PETITIONER

AND

1 The Sr. Accounts Officer (TR), Hyderabad
Telecommunications, Hyderabad
2 The Asst. Engineer,
Telecommunicatiuon, Banjara Hills,
Hyderabad
3 The Divisional Engineer,
Telecommunications Exchange, Saifabad,
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of mandamus or any other appropriate writ declaring the action of Respondents in issuing exorbitant bills dt: 11-1-1998 for Rs.9,148-00, dt: 11-3-1998 for Rs.8,873-00 and dt: 11-5-1998 for Rs. 32,003-00 and disconnection of Telephone bearing No.3316584 as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner: MR.A.RAJASEKHAR REDDY

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court made the following:

ORDER:

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of respondents in issuing exorbitant bills dated 11.01.1998 for Rs.9,148/-, dated 11.03.1998 for Rs.8,873/- and dated 11.05.1998 for Rs.32,003/- for the Telephone bearing No.3316584 and disconnecting the same, as illegal and arbitrary.

The succinct facts, which lead to filing the present writ petition, are as follows: -

The petitioner was a telephone subscriber bearing telephone No.3316584. It is stated that for the last six months prior to filing the present writ petition, his telephone went out of order frequently, and his complaints to the Divisional Engineer, Assistant Engineer and Sub-Divisional Officer concerned on several occasions, went in vain.

Now, the grievance of the petitioner is that when he went to the Telephone Office for enquiring as to why his Telephone was frequently going out of order, the official gave the aforesaid three bills, relating to the period preceding six months to filing the writ petition, during which period, the petitioner contends that his telephone frequently went out of order. The petitioner states that immediately upon receipt of the above bills, he complained to the respondents, in vain, and that the respondents instead of looking into the matter, disconnected his telephone on 13.06.1998. Hence, the present writ petition.

The respondents filed counter-affidavit denying the averments made in the affidavit, filed in support of the writ petition. The respondents denied the contention of the petitioner that his telephone bills never crossed Rs.2,000/-, and stated that the past telephone bills of the petitioner show that his telephone bills crossed Rs.13,777/-, Rs.8,604, etc. They further stated in the counter that the petitioner disobeyed the conditional interim orders of this Court of deposing half of the demanded amount for getting his telephone connection restored, passed in W.P.M.P.No.19964 of 1998, dated 18.06.1998. Further, it is stated that the fortnightly meter readings of the

petitioner's telephone showed that his usage was fairly uniform.

Heard learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Though the petitioner contends that his telephone bills never crossed Rs.2,000/-, the same is disputed by the respondents contending that the telephone bills of the petitioner crossed Rs.13,777/-, Rs.8,604/- etc. This apart, it is stated that the meter reading of the telephone of the petitioner for the period disputed by him, showed that the usage was fairly uniform. When it is the case of the respondents that the past telephone bills of the petitioner showed that they were billed over and above the amount of Rs.2,000/-, and the meter reading also was fairly uniform, the contention of the petitioner that his telephone bills never crossed Rs.2,000/- cannot be accepted. Be that as it may, though this Court directed restoration of the telephone of the petitioner subject to his payment of certain amount, he failed to do so, and as such, the telephone of the petitioner, as of today, is not restored. The petitioner having not complied with the interim order, no interference is called for in the writ petition.

There is no merit in the writ petition, and the same is accordingly dismissed. No order as to costs.

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08.04.2005

dr/tvk

To

1 The Sr. Accounts Officer (TR), Hyderabad

Telecommunications, Hyderabad

2 The Asst. Engineer,
Telecommunicatiuon, Banjara Hills,
Hyderabad

3 The Divisional Engineer,
Telecommunications Exchange, Saifabad,
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